



Lori E. Lightfoot
Mayor

Department of Police • City of Chicago
3510 S. Michigan Avenue • Chicago, Illinois 60653

Eddie T. Johnson
Superintendent of Police

November 20, 2019

Via Email

Dhruv Mehrotra
82986-31511437@requests.muckrock.com

RE: NOTICE OF RESPONSE TO FOIA REQUEST
FOIA FILE NO.: P539986

Dear Dhruv Mehrotra:

This notice is in response to your request received by the Chicago Police Department on November 12, 2019 for the following records and information under the Freedom of Information Act (FOIA), 5 ILCS 140 *et seq*:

"Pursuant to the Illinois Freedom of Information Act., I hereby request the following records:

- 1. Copies of all emails exchanged with Mike Sullivan, Uber's Global Law Enforcement Operations Manager, during the time frame of January 1, 2017 until the time this request is processed.*
- 2. Copies of all emails exchanged with Uber's Law Enforcement Liaison, during the time frame of January 1, 2017 until the time this request is processed.*
- 3. Any policies, guidelines, manuals and/or instructions on department use of Uber or Lyft, including on the legal process required (such as a warrant or court order), if any, before requesting data from Uber or Lyft.*
- 4. Any policies, guidelines, manuals and/or instructions, detailing the types of investigations or instances in which this department is using or has used Uber or Lyft data.*
- 5. Any document related to attempted court orders which request data from Uber or Lyft"*

As permitted by Section 5 ILCS 140/3(e) of the Act, the time was extended in order to conduct a thorough search for these records. Your request was reviewed by the undersigned. In regards to parts 1 and 2 of your request, it was determined that this portion of your request is denied as it is too vague. Given the scope of your request, processing such a request would be unduly burdensome as written. FOIA provides in 5 ILCS 140/3(g) that requests for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.

Section 3(g) of FOIA provides that "requests for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information." 5 ILCS 140/3(g). In order to comply with your request as written, this department would need to identify, procure and review an unknown quantity of records. Without direction from you as to which specific records you seek, such an endeavor would pose an undue burden on the operations of this department. As the Illinois Attorney General's Public Access Counselor has noted (see 2017 PAC 47756, issued June 20, 2017), Illinois courts have held, "[a] request to inspect or copy must reasonably identify a public record[.]" Chicago Tribune Co. v. Dept. of Financial and Professional Regulation, 2014 IL App (4th) 130427, par. 33. A FOIA request "reasonably describes records if 'the agency is able to determine precisely what records

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are being requested.” Kowalczyk v. Dept. of Justice, 73 F.3d 386, 388 (D.C. Cir. 1996) (quoting Yeager v. Drug Enforcement Admin., 678 F.2d 315, 326 (D.C. Cir. 1982)).

Please be advised, your request for *Copies of all emails exchanged with Mike Sullivan, Uber's Global Law Enforcement Operations Manager, during the time frame of January 1, 2017 until the time this request is processed* and *Copies of all emails exchanged with Uber's Law Enforcement Liaison, during the time frame of January 1, 2017 until the time this request is processed* is burdensome as currently written. The FOIA provides in 5 ILCS 140/3(g) that requests for all records falling within a category shall be complied with unless compliance with the request would be unduly burdensome for the complying public body and there is no way to narrow the request and the burden on the public body outweighs the public interest in the information.

Your request for *Copies of all emails* is unduly burdensome as currently written. In order to effectively run an email search, CPD needs (1) the email address(es) or employee name(s) of the account(s) you wish searched; (2) keywords you wish to search for; and (3) the timeframe to be searched.

At this time, part 1 and 2 of your request, *as currently written* has been interpreted as unduly burdensome. Pursuant to section 3(g) of FOIA, we would like to extend to you an opportunity to modify your request to make it more manageable. If you need assistance in narrowing your request, please contact me and I will assist you. Unless and until a narrowed FOIA request is submitted that details what specific records you are seeking, CPD will be unable to process your request. If you narrow your request, a response to this FOIA request can be submitted to CPD, specifying the records you would like CPD to provide.

In regards to part 3 and 4 of your request, please be advised that Department policies and guidelines are online and available to the public in the Department Directives system. You may search and download/print Department Directives on CPD's public website at <http://directives.chicagopolice.org/directives/>.

Please note that 5 ILCS 140/8.5 provides that a public body is not required to copy a public record that is published on the public body's website; rather, the public body must notify the requester that the public record is available online and direct the requester to the website.

In regards to part 5 of your request for *court orders*, please be advised that CPD is not the keeper of records you are seeking. Please note that each City Department is a separate "public body" under Section 2 of FOIA, 5 ILCS 140/2(a). See *Duncan Publishing Inv v. City of Chicago*, 304 Ill. App.3d 778, 784, 709 N.E. 2d 1281, 1282 (1st Dist 1999). A FOIA request must be directed to the Department that maintains the records you're seeking.

You have the right to a review under 5 ILCS 140-9.5(a) by the Public Access Counselor (PAC) at the Office of the Illinois Attorney General, 500 South 2nd Street, Springfield, Illinois 62706, Phone: (877) 299-3642, Fax: 217-782-1396, E-mail: publicaccess@atg.state.il.us. You may also seek judicial review of a denial under 5 ILCS 140/11 by filing a lawsuit in the State Circuit Court.

Sincerely,

H. Aden
Freedom of Information Act Officer
Chicago Police Department
Office of Legal Affairs, Unit 114
3510 S. Michigan Ave.
Chicago, IL 60653